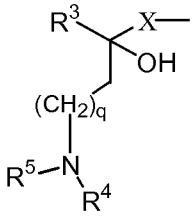
REMARKS

Applicants acknowledge receipt of the Office Action of August 3, 2009. In response to the action, Applicants have amended Claim 1 to clarify the language regarding the R_7 definition and the inclusion of the  radical at the 3-position of the quinoline ring. Applicants also canceled Claims 14 in favor of method of treatment claim 15. Applicants submit that these amendments obviate the section 101 and 112, second paragraph rejections. The current language regarding the R_7 radical has been suggested by other Examiners in related cases, and been found definite.

Claims 1-13 and 15-16 were rejected under 35 USC 102(b) as anticipated by Wommack. The examiner made the unsupported statement, "Wommack teaches compounds in Table III that anticipate the instant claims."

No such compounds were identified by the Examiner, and Applicants have searched the entire Wommack reference and found no compounds that correspond to, overlap or in any way teach or even suggest the claimed compounds in the subject application. The 102(b) rejection under Wommack is untenable and without any substance whatsoever.

Claims 1-13 and 15-16 were "provisionally" rejected under 35 USC 102(e) in view of no fewer than five pending patent applications assigned to the same assignee. This rejection is unfounded, without any merit, and bizarre to say the least.

Applicants submit that there is no such thing as a "provisional" 102(e) rejection when the co-pending applications have already been published or patented. All five of the cited applications published at least a year prior to the mailing of this Office Action- their teachings are thus available to the Examiner. No so-called "provisional" rejection under 102(e) is possible.

By statute and regulation, Applicants are entitled to an examination of the presented claims. If claims are rejected, the statutes and the regulations require a detailed explanation

that allows the Applicants to determine the propriety of continuing prosecution. See 35 USC §131; and particularly 37 CFR 1.104(c).

In the above Office Action, the Examiner provided zero guidance as to why the "provisional" 102(e) rejection was set forth. A single bare statement was made, "The claims of the other applications overlap with the instant application." Not a single instance of "overlap" (which is not an anticipatory factor anyway) was so much as mentioned, much less elucidated by the Examiner, even though all of the cited applications have published and were available at the time of mailing of the Office Action.

Also, at least one of the cited applications (11/997182) has an effective 102(e) filing date that is later than the filing date of the subject application. This reference cannot possibly constitute 102(e) art.

In conclusion, the "provisional" 102(e) rejection is so incomplete and without merit, Applicant has no idea how to respond other than to state that the rejection is baseless.

Applicants submit that the claim amendments overcome the rejections based on 35 U.S.C. 101 and 112, and that neither the 102(b) or 102(e) rejections have any merit whatsoever. Applicants request a telephone interview to discuss the amendments and rejections if the Examiner has questions. With the above amendments, Applicants submit that all of the Claims are in proper form for allowance.

Should there be any questions regarding this Response, the Examiner may please contact the undersigned attorney at the telephone number listed.

Respectfully submitted,

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